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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/435,736 | 11/08/1999 | ARTHUR REISMAN | 4366-41 | 5609 |

7590 07/20/2004

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EXAMINER

NGUYEN, MINH DIEU T

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2137

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|---------------------------------|--|
| Office Action Summary | Application No. 09/435,736 | Applicant(s) REISMAN, ARTHUR | |
| | Examiner Minh Dieu Nguyen | Art Unit 2137 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 2-3, 16-17 are amended and claims 29-36 are newly added.

Claim Objections

2. Claim 7 is objected to because of the following informalities:

"t4e" should be "the"

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-11, 13-24 and 26-36** are rejected under 35 U.S.C. 102(b) as being anticipated by Herr-Hoyman et al., US Patent 5,727,156.

a) **As to claim 1**, Herr-Hoyman discloses a method and apparatus for posting hypertext documents to a hypertext server so as to make the hypertext documents accessible to users while securing against unauthorized modification of the posted hypertext documents comprising the steps of: communicating a first datum (Fig.

3, element S7) of a message (col. 4, lines 9-11; Appendix D) from the first computing device (Fig. 3, element CLIENT) to the second computing device (Fig. 3, element LINKSTAR SERVER) with encryption of the first datum; and communicating a second datum (Fig. 3, elements ID, data , files; Appendix D) of the message from the first computing device to the second computing device without encryption of the second datum.

b) **As to claims 2-3 and 16-17**, Herr-Hoyman discloses the encrypted and non-encrypted data are transmitted in the same packet or in a different packet (Appendix D) and further comprising:

i) providing a display to a user, the display comprising at least first and second input fields for input from the user and at least a first presentation field associated with the at least first and second input fields (Table 1; col. 5, lines 22-67 to col. 6, lines 1-26).

ii) receiving the message from the user, wherein the message corresponds to the display and wherein first datum refers to the first input field and the second datum to the second input field of the display (Tables 2&3; col. 7, lines 46-67 to col. 8, lines 1-62).

c) **As to claims 4-5, 11, 18-19 and 24**, Herr-Hoyman indicates the same path is used for encrypted and non-encrypted data communications between first computing device and the second computing device. Moreover the system is designed

Art Unit: 2137

to use the interactive model of the WWW for client server transactions on the Internet (Fig.1, col. 2, lines 9-47).

d) **As to claims 6, 7 and 20**, Herr-Hoyman shows credit card number is encrypted by a key (col. 4, lines 3-5) and the key is communicated from the second computing device to the first computing device (col. 4, lines 5-8)

e) **As to claims 8-9 and 21-22**, Herr-Hoyman further shows a second key is employed to decrypt the first datum of the message (col. 6, lines 19-21) and the first and second key comprised a matched key to communicate the encrypted data.

f) **As to claims 10 and 23**, Herr-Hoyman teaches the step of communicating a procedure from the second computing device to the first computing device customer to communicate the encrypted data (Fig. 3).

g) **As to claims 13-14 and 26-27**, Herr-Hoyman discloses the step for the first computing device to communicate the encrypted and non-encrypted data with the second computing device through the e-Card request message in which the credit card number is encrypted and ID, data and files are non-encrypted (Fig. 3, element S8).

h) **As to claim 15**, Herr-Hoyman shows a two way communications between first computing device – Linkstar server (Fig. 2, element 18) and second computing device – author client (Fig. 2, element 12).

The first computing device communicates information (Fig. 3, elements S3, S4) to the second computing device in response to a request from the second computing device. The information includes a procedure that causes second computing device to select a multi-part upload with only the credit card number encrypted and the rest of the upload filled with non-encrypted data (Appendix D).

The first computing device receives the multi-part upload from the second computing device with encrypted credit card number along with the non-encrypted data, the first computing device verifies the multi-part upload by inherently understood, decrypting the encrypted data (Fig. 3; col. 6, lines 19-21).

i) **As to claim 28**, it has the same limitations as claim 1, further the computer readable program code reads on any matter for carrying software.

j) **As to claims 29 and 33**, Herr-Hoyman discloses the method wherein the first datum is confidential information to a user [i.e. credit card number (col. 4, lines 3-4)] and the second datum is non-confidential information to the user [i.e. ID, data, files (Appendix D)].

k) **As to claims 30 and 34**, Herr-Hoyman discloses the method further comprising:

i) receiving the message from a user, the message comprising a plurality of input fields (Table 1).

ii) determining each input field comprising confidential information to the user and each input field comprising non-confidential information to the user, wherein the first datum is confidential information and the second datum is non-confidential information (Table 2).

l) **As to claim 31**, Herr-Hoyman discloses the method wherein the communicating steps occur at least substantially simultaneously (Fig. 3, multi-part upload).

m) **As to claims 32 and 35**, Herr-Hoyman discloses the method wherein the communicating steps comprise:

i) encrypting the information in each of the input fields identified as comprising confidential information (Fig. 3, element S7).

ii) not encrypting the information in each of the input fields identified as comprising non-confidential information (Fig. 3, multi-part upload).

- n) **As to claim 36**, it has the same limitations as claims 1-2, 31 and 34.

Please see above addressed claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 12 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Herr-Hoyman and further in view of US Patent 6,571,245 to Huang et al.

Herr-Hoyman does not disclose the procedure is based on substantially lowest common denominator Java.

Huang discloses a system providing a virtual desktop in a virtual computing environment where it is supported by a network of servers coupled to the Internet. The user is able to access the servers from a variety of systems through various communications links available to connect to the Internet. The server sets the security mode (e.g., no encryption, partial encryption...) (col. 15, lines 61-64). Huang further discloses JAVA is the language designed for the Internet applications (col. 19, lines 32-35).

It would have been obvious to one skilled in the art at the time the invention was made to modify Herr-Hoyman by supporting JAVA as taught in Huang. One of ordinary skilled in the art would have been motivated to modify Herr-Hoyman to support JAVA because it's the most platform independent language designed for the Internet applications.

Response to Arguments

7. Applicant's arguments filed November 12, 2003 have been fully considered but they are not persuasive.

i) Applicant argues that:

"The examiner states that Elgamal teaches sending both encrypted (PI value) and unencrypted (purchase order and payment instruction messages) information from a merchant to a customer. This conclusion conflicts with the clear teachings of Elgamal (col. 4, lines 33-37; col. 4, lines 52-57)".

Examiner maintains that:

The cited art by Herr-Hoyman has all the anticipations that meet the claimed issues with the credit card number, ID, data and files are sent together in a multi-part upload message from the author client to the Linkstar server (col. 4, lines 9-11), wherein the credit card number is encrypted (Fig. 3, element S7) and others are unencrypted [i.e. ID, data, files (Fig. 3, multi-part upload)].

ii) Applicant argues that:

"Elgamal does state that the PI value may be sent "in the clear" (col. 10, lines 21-23, but later states (col. 10, lines 37-40).

Contrary to the Examiner's assertions, Elgamal does not state that the purchase order and payment instruction messages are not encrypted."

Examiner maintains that:

The cited art by Herr-Hoyman has all the anticipations that meet the claimed issues.

iii) Applicant argues that:

"Elgamal refers to different messages sent at different times. It does not refer to the encryption of only parts of the same message. In the present invention, the encrypted and unencrypted input fields are requested to be transmitted by the user simultaneously or substantially simultaneously.."

Examiner maintains that:

The cited art by Herr-Hoyman has all the anticipations that meet the claimed issues. The encrypted and unencrypted fields are simultaneously transmitted by the author client to the Linkstar server (Fig. 3, multi-part upload).

iv) Applicant argues that:

"Klingman, unlike Elgamal, sends confidential information over a circuit-switched telecommunications network, such as the PSTN, and non-confidential information over

a packet-switched network, such as the Internet. Consequently, there is no need for any encryption procedures or digital signatures, although encryption may be used if so desired (col. 13, lines 45-52).

Examiner maintains that:

The cited arts by Herr-Hoyman and Huang have all the anticipations that meet the claimed issues.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

US Patent 5,773,741 to Eller et al. discloses method and apparatus for nonsequential storage of and access to digital musical score and performance information.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 703-305-9727. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached on 703-308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2137

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Minh Dieu Nguyen
Examiner
Art Unit 2137

mdn
mdn
7/7/04

G. Morse
GREGORY MORSE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100